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4 **UNITED STATES DISTRICT COURT**
5 **DISTRICT OF NEVADA**
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UNITED STATES OF AMERICA,

8 Plaintiff,

9 vs.

10 RICHARD ALLEN COOPER,

11 Defendant.
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2:15-cr-00344-RCJ-GWF

ORDER

13 The Court sentenced Defendant to 12 months and a day of imprisonment upon revoking
14 his supervised release. Defendant now asks the Court to recommend to the Bureau of Prisons
15 that he serve his sentence at USP Coleman II or USP Allenwood. The motion was filed 18 days
16 after sentencing, *see* Fed. R. Crim. P. 35(c), and it is therefore untimely under Rule 35, *see* Fed.
17 R. Crim. P. 35(a). Nor is there any “oversight or omission” to correct under Rule 36. Rule 36 is
18 a “nunc pro tunc”-type rule that permits a court to correct a judgment to accurately reflect the
19 court’s intent at the time it entered judgment despite a clerical error. But there was no clerical
20 error here. If the Court had entered judgment without any recommendation after having
21 indicated at sentencing that it intended to make a recommendation for USP Coleman II or USP
22 Allenwood, such a discrepancy would presumably be correctable under Rule 36. Counsel admits
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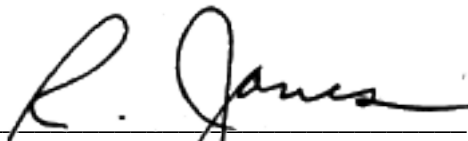
1 that he neglected to make any recommendation, and the Court had no intent to recommend USP
2 Coleman II or USP Allenwood.

3 **CONCLUSION**

4 IT IS HEREBY ORDERED that the Motion to Request BOP Designation (ECF No. 59)
5 is DENIED.

6 IT IS SO ORDERED.

7 Dated this 1st day of May, 2017.

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11 ROBERT C. JONES
12 United States District Judge
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